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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,766	11/15/1999	JAMES F. KRAMER	VT002D	2089
22903 7	590 01/27/2003			
COOLEY GODWARD LLP ATTN: PATENT GROUP 11951 FREEDOM DRIVE, SUITE 1700 ONE FREEDOM SQUARE- RESTON TOWN CENTER RESTON, VA 20190-5061			EXAMINER	
			UNDERWOOD, DONALD W	
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,		3652		

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary The MAILING DATE of this communication appears on the cover sheet with the correspondence address of the Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE A MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. The MAILING DATE OF THIS COMMUNICATION is set of the period for reply secoled above is been then thing (00) days, a reply whith the distalory reinform of thing (00) days will be considered timely. If the period for reply secoled above is been then thing (00) days, a reply whith the distalory reinform of thing (00) days will be considered timely. If the period for reply secoled above is been then thing (00) days, a reply whith the distalory reinform of thing (00) days will be considered timely. If the period for reply secoled above is been then thing (00) days, a reply whith the distalory reinform of thing (00) days will be considered things. If the period for reply secoled above is been then thing (00) days, a reply whith the distalory reinform of thing (00) days will be considered things. If the period for reply secoled above is been then thing (00) days, a reply whith the distalory reinform of thing (00) days will be considered things. If the period for reply secoled above is been then thing (00) days, a reply whith the distalory reinform of thing (00) days will be considered things. If the period for reply secoled above is been then thing (00) days, a reply whith the distalory reinform of things will be an advantage of the communication. If the period for reply secoled above is been then thing (00) days, a reply whith the distalory reinform of things will be an advantage of the period things are required in reply to the considered timely. If the above claim(s)sizer allowed. If the above claim(s)sizer allowed. If the specification is objected to by the Examiner. If approved, considered things are required in reply to this Office action. If the specification is objected to by the Examiner. If approved, considered things are required in		Application No.	Applicant(s)				
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1) Responsive to communication(s) filed on	 Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any 						
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disp sition of Claims 4) Claim(s) 59 is/are pending in the application. 4a) Of the above claim(s) **P*P*C***!s/are withdrawn from consideration. 5) Claim(s)	Status						
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Disp sition of Claims 4) [S] Claim(s) 59 is/are pending in the application. 4a) Of the above claim(s) ∠∀∠∠² is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) [X] Claim(s) 59 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) □ The proposed drawing correction filed on is: a □ approved b) □ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) □ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1.□ Certified copies of the priority documents have been received. 2.□ Certified copies of the priority documents have been received in Application No. in application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) □ The translation of the foreign language provisional application has been received. 15) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). Altachment(s) 1 □ Notice of Preferences Cited (PTO-852) Notice of Oraftsperson's Patent Drawing Review (PTO-948) Notice of Informal Patent Application (PTO-152) Other:	/						
4) Claim(s) 4 is/are pending in the application. 4a) Of the above claim(s) **\sigma** exitted in the application. 5) Claim(s) is/are allowed. 6) Claim(s) 5 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a accepted or b objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a approved b disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a All b Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Clied (PTO-892) 2) All holds of Oraftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(e) (PTO-1449) Paper No(e) 5) Notice of Information Disclosure Statement(e) (PTO-1449) Paper No(e) 6) Other:	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
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Detailed Action

- 1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/02 has been entered.
- 2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 59 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It is unclear what type of second sensor is used, how it is configured to output a position signal including data values associated with a graphical representation of the position and how the position signal is used to control the actuator configured to impart the haptic feedback.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claim 59 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The instant claim is indefinite since it fails to correlate the first sensor with the other claimed elements to define an operative device.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 7. Claim 59 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jones et al.

The force applied by 47 to the finger is broadly a haptic force since it is based on touch.

- 8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 9. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harvill in view of Zarudiansky '138.

It would have been obvious to provide feedback as claimed to the device in Harvill in view of the teaching in Zarudiansky.

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10. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harvill in

view of Jones et al.

It would have been obvious to provide feedback as claimed to the device in

Harvill in view of the teaching in Jones.

11. All claims are drawn to the same invention claimed in the application prior to the

entry of the submission under 37 CFR 1.129(a) and could have been finally rejected on

the grounds and art of record in the next Office action if they had been entered in the

application prior to entry under 37 CFR 1.129(a). Accordingly, THIS ACTION IS MADE

FINAL even though it is a first action after the submission under 37 CFR 1.129(a). See

MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in

37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE.

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication should be directed to D. Underwood

at telephone number (703) 308-1113.

Underwood/kl January 23, 2003 Wind w Underwood 01(24/03 DivALD W. UNDERWOOD